

Commodity Credit Corporation, USDA

Pt. 1468

(d) The United States shall be entitled to recover any and all administrative and legal costs, including attorney's fees or expenses, associated with any enforcement or remedial action.

[60 FR 28514, June 1, 1995; 60 FR 33034, June 26, 1995. Redesignated and amended at 61 FR 42141, 42143, Aug. 14, 1996]

§ 1467.15 Payments not subject to claims.

Any cost-share or easement payment or portion thereof due any person under this part shall be allowed without regard to any claim or lien in favor of any creditor, except agencies of the United States Government.

§ 1467.16 Assignments.

Any person entitled to any cash payment under this program may assign the right to receive such cash payments, in whole or in part.

§ 1467.17 Appeals.

(a) A person participating in the WRP may obtain a review of any administrative determination concerning eligibility for participation utilizing the administrative appeal regulations provided in 7 CFR part 614.

(b) Before a person may seek judicial review of any action taken under this part, the person must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for purposes of judicial review, no decision shall be a final agency action except a decision of the Chief of Department under these procedures.

(c) Any appraisals, market analysis, or supporting documentation that may be used by the Department in determining property value are considered confidential information, and shall only be disclosed as determined at the sole discretion of the Department in accordance with applicable law.

[60 FR 28514, June 1, 1995, as amended at 60 FR 67316, Dec. 29, 1995. Redesignated and amended at 61 FR 42141, 42143, Aug. 14, 1996]

§ 1467.18 Scheme and device.

(a) If it is determined by the Department that a landowner has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid such

landowner during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by the Department.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person of payments for cost-share practices or easements for the purpose of obtaining a payment to which a person would otherwise not be entitled.

(c) A landowner who succeeds to the responsibilities under this part shall report in writing to the Department any interest of any kind in enrolled land that is held by a predecessor or any lender. A failure of full disclosure will be considered a scheme or device under this section.

[60 FR 28514, June 1, 1995. Redesignated and amended at 61 FR 42141, 42143, Aug. 14, 1996]

PART 1468—CONSERVATION FARM OPTION

Subpart A—General Provisions

Sec.

- 1468.1 Purpose.
- 1468.2 Administration.
- 1468.3 Definitions.
- 1468.4 Establishing Conservation Farm Option (CFO) pilot project areas.
- 1468.5 General provisions.
- 1468.6 Practice eligibility provisions.
- 1468.7 Participant eligibility provisions.
- 1468.8 Land eligibility provisions
- 1468.9 Conservation farm plan.

Subpart B—Contracts

- 1468.20 Application for CFO program participation.
- 1468.21 Contract requirements.
- 1468.22 Conservation practice operation and maintenance.
- 1468.23 Annual payments.
- 1468.24 Contract modifications and transfers of land.
- 1468.25 Contract violations and termination.

Subpart C—General Administration

- 1468.30 Appeals.
- 1468.31 Compliance with regulatory measures.
- 1468.32 Access to operating unit.
- 1468.33 Performance based upon advice or action of representatives of CCC.
- 1468.34 Offsets and assignments.
- 1468.35 Misrepresentation and scheme or device.